

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

JOHN DOES 1 THROUGH 7,)
Judgment Creditors,) Case No. 3:20-mc-00206-FDW-DCK
v.)
THE TALIBAN, AL-QAEDA,)
AND THE HAQQANI NETWORK,)
Judgment Debtors)
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**GARNISHEE BANK OF AMERICA, N.A.’S RESPONSE TO JUDGMENT CREDITORS’
MOTION FOR RELEASE OF FUNDS**

Garnishee Bank of America, N.A. (“BANA”) submits the following response to Judgment Creditors’ Motion for Release of Funds Held by Garnishee BANA (ECF No. 20) (the “Turnover Motion”):

1. BANA is a neutral garnishee with no claim to the blocked assets, but with a right to avoid the risk of double liability and inconsistent judgments.
2. Judgment Creditors (the “Does”), who are victims of acts of terrorism allegedly committed by the Taliban, Al-Qaeda, and the Haqqani Network, hold a default judgment against those terrorist organizations. On March 20, 2023, the Does obtained a writ of execution from this Court that purports to attach blocked assets held by BANA in the name of VTB Bank PJSC Shanghai Branch (“VTB Shanghai”) and VTB Bank (Europe) SE i.L. (“VTB Europe”) pursuant to Section 201(a) of the Terrorism Risk Insurance Act, 28 U.S.C. § 1610 note (“TRIA”) based on the Does’ allegations that VTB and VTB Europe are agencies or instrumentalities of the Taliban. (ECF No. 16.)

3. BANA was served with the writ of execution by the U.S. Marshal on March 29, 2023.

4. On April 27, 2023, the Does filed the Turnover Motion against BANA, seeking turnover of assets held in the VTB Europe blocked account. (ECF No. 20.)

5. Because VTB Europe is a foreign financial institution with no known contacts with the State of North Carolina, entering a turnover order only in this Court, without formally joining VTB Europe, posed a substantial risk of double liability for BANA.

6. Accordingly, on April 28, 2023, BANA initiated an interpleader action in the Southern District of New York, where the blocked accounts were opened, and where VTB Europe and VTB Shanghai are subject to personal jurisdiction, in order to ensure that BANA can be fully discharged from liability in the event any funds are turned over to the Doe plaintiffs pursuant to the TRIA. *Bank of America, N.A. v. John Does 1 Through 7*, No. 1:23-cv-03604 (S.D.N.Y. Apr. 28, 2023).

7. On April 28, 2023, VTB Europe moved to intervene in this action (ECF No. 21), and on May 2, 2023, Plaintiffs opposed VTB Europe's motion to intervene. (ECF No. 26.)

8. If the Court allows VTB Europe to intervene and assert any defenses it may have to the Turnover Motion, BANA intends to take no position on the Turnover Motion and to defer to the interested parties and the Court's guidance as to the ultimate disposition of the Turnover Motion, as well as the proper venue for deciding the merits of the case. BANA reserves all rights in the event that VTB Europe's motion to intervene is denied.

Respectfully submitted this 11th day of May, 2023.

/s/ Jodie Herrmann Lawson
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2023, I caused the foregoing GARNISHEE BANK OF AMERICA, N.A.'S RESPONSE TO JUDGMENT CREDITORS' MOTION FOR RELEASE OF FUNDS, with any and all attachments, to be filed electronically with the Clerk of Court via the Court's CM/ECF system. All counsel of record in this case are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Jodie Herrmann Lawson

Jodie Herrmann Lawson

*Counsel for Non-Party Garnishee
Bank of America, N.A.*